

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

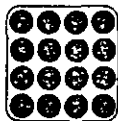
Tuesday, November 20, 1979

10:00 o'clock a.m.

DOYLE G. BERRY,  
Chairman

• Wildlife and Fisheries  
Building, Room 102  
400 Royal Street  
New Orleans, Louisiana

Kathryn G. Chamberlin,  
Reporter.



Helen R. Dietrich, inc.  
*Stenotypists*

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of the Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, November 20, 1979, in Room 102, Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman

DONALD F. WILLE, Vice Chairman

J. C. FARRELLY, Member

J. C. GILBERT, Member

JEAN LAPEYRE, Member

H. CLAY LUTTRELL, Member

CHARLES A. RIGGS, Member

J. BURTON ANGELLE, Secretary

A G E N D A

DR. LYLE ST. AMANT

1. Request from Louisiana Materials Company, Inc. for renewal of permit to dredge sand, gravel and/or fill material from

(5)



the Mississippi River between Mile Posts  
124.5 and 125, Hahnville.

2. Request for a permit from Lake Providence (6)  
Dredging Company to remove fill material  
from the beds of the Mississippi River  
at the following locations:

Mile 386 to Mile 395.5

Mile 392 to Mile 395.5

Mile 409.5 to Mile 411

Mile 413.5 to Mile 417

Mile 439.5 to Mile 441.5

Mile 447 to Mile 448.5

Mile 460.8 to Mile 463.2

Mile 495.5 to Mile 499.5

MR. HARRY SCHAFER

3. Policy changes on oyster lease fees and (10)  
oyster survey fees.

OTHER BUSINESS

4. Report on committee meetings - Mr. J. C. (39)  
Gilbert.
5. Set date for December meeting. (40)

NOTE: The following items not on the printed  
agenda were also considered:



Approval of minutes of meeting of September 25, 1979. (4)

Discussion re navigational channels/oyster leases; appointment of committee to study. (25)

Report re experimental program of Malaysian shrimp culture. (40)

Leasing of portions of Russell Sage WMA for mineral activity. (42)

Discussion of oyster leases in Pass a Loutre. (48)

ADJOURNMENT (58)



CHAIRMAN DOYLE G. BERRY: Good morning, ladies and gentlemen. We will call the meeting to order now. We are almost out of business with biologists this morning. Dr. St. Amant is sick and Harry Schafer is sick and in the hospital, and I believe Max Summers is sick, too, isn't he? You are going to take Dr. St. Amant's place this morning.

MR. RON DUGAS: Yes, sir.

THE CHAIRMAN: Ron, I think you can do a good job.

MR. DUGAS: Thank you, Mr. Chairman.

THE CHAIRMAN: Let's see, we need to approve the minutes of the last meeting, which is not on this agenda.

First, let me call the roll. Mr. Lapeyre, Mr. Gilbert, Mr. Farrelly, Mr. Wille, Mr. Luttrell, Mr. Riggs. Everybody is present.

First let me get approval of the minutes of the last meeting. I would like to have a motion.

MR. LUTTRELL: So move.

THE CHAIRMAN: Do we have a second?



MR. RIGGS: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. O. K., Ron.

MR. DUGAS: Mr. Chairman, I have been asked to handle two items for Dr. St. Amant. They are renewal requests for permits for dredging that we normally have.

The first one is by Louisiana Materials Company, Inc. to dredge sand, gravel and fill material from the Mississippi River between Mile Posts 124.5 and 125.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. Do I have a motion?

MR. LUTTRELL: So move.

MR. FARRELLY: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)



So ordered.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Wildlife and Fisheries  
Commission does hereby grant per-  
mission to LOUISIANA MATERIALS CO.,  
INC. to remove fill materials from  
the Mississippi River, between Mile  
Posts 124.5-125, Hahnville, Louisiana,  
for a period of one year from November  
20, 1979 to November 20, 1980, at a  
royalty rate of ten cents per cubic  
yard.

MR. DUGAS: The second request is from  
Lake Providence Dredging Company to remove fill  
material from the beds of the Mississippi River  
at Mile 386 to Mile 395.5, Mile 392 to Mile 395.5,  
Mile 409.5 to Mile 411, Mile 413.5 to Mile 417,  
Mile 439.5 to Mile 441.5, Mile 447 to Mile 448.5,  
Mile 460.8 to Mile 463.2, and Mile 495.5 to  
Mile 499.5.







SECRETARY ANGELLE: In other words, another group could come in at the next Commission meeting and ask that they be given a permit in the same area and if they qualified for it, you would be bound to grant them a permit.

MR. WILLE: O. K.

THE CHAIRMAN: Gentlemen, you have the recommendation. Do I have a motion?

MR. LAPEYRE: So move.

MR. FARRELLY: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the  
resolution is here made  
a part of the record.)

BE IT RESOLVED that the  
Louisiana Wildlife and Fisheries  
Commission does hereby grant per-  
mission to LAKE PROVIDENCE DREDGING  
COMPANY to remove sand and gravel from



the Mississippi River at the following locations:

Mile 386 to Mile 395.5

Mile 392 to Mile 395.5

Mile 409.5 to Mile 411

Mile 413.5 to Mile 417

Mile 439.5 to Mile 441.5

Mile 447 to Mile 448.5

Mile 460.8 to Mile 463.2

Mile 495.5 to Mile 499.5

for a period of one year from November 20, 1979 to November 20, 1980, at a royalty rate of twenty cents per cubic yard.

THE CHAIRMAN: Ron, you are going to take Mr. Schafer's place this morning. You have got the whole program this morning, I believe.

MR. DUGAS: Yes, sir.

THE CHAIRMAN: I understand we have with us this morning Mr. Buddy Pausina, one of the spokesmen for the oyster group, and then you have Mr. Matt Farac, who I believe is the Plaquemines Oyster Association.



Gentlemen, as you know, the Commission has proposed to raise the yearly lease rental on the oyster bottoms from \$1 to \$2 this year, in 1980 it will be \$2, and in 1981 it will be \$3. At this time do you want to make any more comments, Ron, before I call on somebody from the audience.

MR. DUGAS: No, sir, I have no comments.

THE CHAIRMAN: All right. Who wishes to be heard at this time?

MR. RALPH PAUSINA: Good morning, gentlemen, my name is Ralph Pausina. I am representing the Louisiana Oyster Dealers and Growers Association.

We feel that one of the problems that we have been having in the years past is the poaching of oysters from our leases and one of the things that we have done to help this problem is to enlarge our leases and actually physically hide our oysters in a large area. In doing this we of necessity have to lease more areas than we actually have to use, as a safeguard. In doing this, we figure that we are paying more per acre of actual usable ground than the \$1, and we have complained



to different people about this over the years, our district attorneys, police juries in the state and in the cities and everybody.

Recently we have had a concentrated effort to get something done about this and the Department has in the last thirty-sixty-ninety days, something like that, done a real good effort toward helping alleviate this problem, and this gives us a tremendous amount of confidence within the Department when we see something being done.

We also understand that the Department will at the next budget hearing request additional funds for additional personnel and equipment to further this. We would ask the Department if they would please notify us, keep us informed, when these hearings come so that we might come and help and support the Department in these things.

With this confidence that we have in the Department in trying to help our problems, we in turn would like, although reluctantly, to try to help the Department in its problems and we would agree to an increase from one to two dollars per year per acre in 1980.



We would also ask that you gentlemen realize that oysters are extremely scarce. They have been scarce for a year or so and we anticipate something better in the year or so to come, but in the meantime we don't know what that is going to bring. Some catastrophe might come along and change this, so we would ask that you all would forego the raise to \$3 in 1981 and wait until that time and look at the situation and then reevaluate that decision.

That is all I have. Thank you.

THE CHAIRMAN: Thank you. Buddy, let me answer you to a degree there. This Commission is charged with administering the lands of the Department, that are assigned to this Department by the state, and the lands that this Department owns. Those leases haven't been raised since 1904. We approached this subject back in, I think, '76 and met with very stiff opposition to raise the rental rates then.

We can't in good conscience when the school boards are leasing their sections to hunt on from \$6 to \$8 an acre, and that is for a very



short hunting season, I don't believe this Commission in good conscience can continue to let the state land be leased at \$1 an acre. It is just not good business for the state and for the other citizens in the state, and we are charged to administer this particular portion of the state's properties, and in so doing we feel like we are going to have to do something on it.

It is not a question that we are trying to make it hard on the oyster people, trying to create problems for them, but it is simply a matter of business where the state is concerned and I think we will be compelled to do something about it.

MR. PAUSINA: The economics of the oyster industry or the history of the oyster industry, if I might give you a few minutes of it, at the times these laws or these fees or things were put into the statutes, an oyster man needed 20, 30, at the most 100 acres to make a living or to support his family and do whatever he wanted. Due to a change in economics, subsidence, saltwater intrusion and erosion and just the unstableness of the environ-



ment that he has to now raise his product in, he has to have more acreage, so even though he is still paying only a dollar an acre, he is actually paying more in money because he needs more acreage to do what his forefathers did 50 years ago.

We feel we have been giving more money, even though it is at the same rate per acre.

THE CHAIRMAN: Well, I will say this, that our forefathers didn't live quite as well as we live today, either. They didn't have two automobiles and airconditioning and automatic dishwashers and all this kind of business and electric washers and driers and that kind of stuff that you and I have to fight to try to keep up.

The same standard of living just doesn't equate and that is one reason you need more. It didn't take as much for my and your grandfathers to live as it does us, and it didn't take as much to run this state back in 1904 as it takes today, I can tell you that. We have got to properly administer these state lands. We have no choice in that matter and I don't think it is unreasonable to go to \$2 this coming year and \$3 the following year.



The \$5 leap in one year, I will agree.

MR. PAUSINA: Could I ask a question?

THE CHAIRMAN: Yes, sir.

MR. PAUSINA: It is a problem that is going to come out and it may be premature to ask the question until you make the decision. If someone has acreage -- let's put it this way -- if you go ahead and pass your thing to \$2 which I am sure will happen, if a man wants to reduce some of his acreage, he already has a bill sitting in his home now for the next year. If he has 100 acres and would like to reduce his acreage to, say, 80, after he has paid his money in, the \$2 thing, how does he go about reducing it? He cannot now make an application because the moratorium is set on that. Does he have to go ahead and pay the \$2 for the full acreage and then wait until after the moratorium is lifted to reduce himself down?

SECRETARY ANGELLE: The moratorium wouldn't affect a reduction in acreage.

THE CHAIRMAN: It was recommended to this Commission yesterday to also look at enforcing the limits, how much acreage one person can





have. Also, I think that you are required by law once a year to submit to this Commission in writing to the Secretary what you are doing with the lease and that you are farming at least 15 percent, which is required by law.

We are also going to look at opening up some corridors in these main areas where a lot of traffic goes in and out. You know and I know that there have been those that picked up leases right in the middle of some of these that don't grow oysters. They are there for one purpose and we intend to try to correct some of those inequities.

MR. PAUSINA: If you don't have any more questions, I again will --

THE CHAIRMAN: I for one am in favor, if you give up 20 acres, leave that 20 acres out of cultivation, leave it around you to give you some protection.

MR. PAUSINA: I have nothing more to say.

THE CHAIRMAN: Thank you very much.

Who else wishes to be heard? I can't believe my old skinny buddy is not going to say something.



MR. LEOPOLD TALIANCICH: What is there to say?

THE CHAIRMAN: I have never seen you for lack of words before.

MR. TALIANCICH: I am speaking.

THE CHAIRMAN: Gentlemen, you have heard the discussion on the oyster leases. Ron, do you want to make any recommendations?

MR. DUGAS: No, sir, I think all the discussion, both in this meeting and the one before, have brought out about everything they want and I don't think there is any need for anything else to be said.

THE CHAIRMAN: Gentlemen, the Chair is open for a motion. Thank you, Ron.

MR. WILLE: Well, I would like to make a motion, Mr. Chairman. Of course, I am going to get shot down on this but from what the Oyster Growers Association recommended, I know Buddy real well and these other people here, that we go with the dollar and we do not take action on the further increase, and that is just my own opinion; I would vote no to the other motion. That is a motion on



the floor if I can get a second.

THE CHAIRMAN: Gentlemen, you have a motion on the floor.

MR. FARRELLY: Clarification. Are you talking about going --

MR. WILLE: Jim, I am talking about going a dollar but not taking any further action at this time.

MR. FARRELLY: Going to two dollars only.

MR. WILLE: Right, and I am talking about not taking any further action because of what I have heard from the Association in Plaquemines Parish and I happen to know a lot of the people down there. I see a bunch of them here in the room today and they are all kind of my folks, too, so I am going to have to go with them and say that I would recommend the dollar but I do not recommend any other increases until they see economically where they stand. I think he was reasonable in asking that. I think if they are economically having a good crop of oysters, then I think the Commission at that time should raise it another dollar and I don't think you would have any



objection from the oyster growers.

THE CHAIRMAN: Pie, what did you put in the Register when you published?

SECRETARY ANGELLE: Consideration.

MRS. PENDLEY: Consideration.

SECRETARY ANGELLE: For what? Do you have a copy of the Register language? Did it specify an amount?

MRS. PENDLEY: No, no amount.

SECRETARY ANGELLE: Just consider raising the fees.

THE CHAIRMAN: That is what I thought it was. Gentlemen, you have heard Mr. Wille's motion. Do I have a second?

MR. FARRELLY: I will second that.

THE CHAIRMAN: Seconded by Mr. Farrelly.

MR. RIGGS: Mr. Chairman, when would it be proper to amend that motion?

THE CHAIRMAN: At this juncture right now, to offer an amendment to the motion.

MR. RIGGS: Are you proposing to go to \$2 January 1, 1980, Don?

MR. WILLE: Right.



THE CHAIRMAN: Do we have to vote on the original motion first?

MR. WILLE: Do we have to vote on the original motion?

MR. LUTTRELL: Vote on the amendment and then the original motion.

MR. RIGGS: I had wanted to include in there, and maybe Don would not object, if we include the enforcement of the statute that requires improvement of ten percent of the leased acreage each year.

THE CHAIRMAN: Fifteen percent is the statute, I believe, on that.

MR. RIGGS: They said one-tenth of the acreage, isn't that right, Burt? That would be ten percent.

THE CHAIRMAN: I read 15 percent yesterday.

SECRETARY ANGELLE: Ten percent.

MR. FARRELLY: Somebody said 15 but it is ten.

MR. RIGGS: In other words, I would like to include that into the thing and also that in



future leases if we can make every effort to leave navigational channels open, all navigational channels, not to be included in any leases.

MR. WILLE: O.K., you are saying that my original motion as it is, which is \$1, is that correct?

THE CHAIRMAN: He didn't mess with that.

MR. RIGGS: I didn't mess with your \$1 portion.

THE CHAIRMAN: As I understand, you added -- restate your motion, Mr. Riggs, if you would, please, sir.

MR. RIGGS: Well, possibly this is not necessary but I just wanted to concur and go to \$2 January 1, 1980; that was satisfactory with me and leave it at that; and just include in there that we would enforce the statute which required ten percent development of acreage each year and include that in the wording on all future leases and also make every effort to leave all navigational channels open and not include those in any oyster leases.

MR. WILLE: That is fine with me. I can



live with that.

THE CHAIRMAN: Do we have a second to that motion?

SECRETARY ANGELLE: Could I make an observation?

THE CHAIRMAN: Let the Secretary make an observation. In fact, I wish you would read this 428, Burt.

SECRETARY ANGELLE: In discussing the amendment, Mr. Chairman, I as the administrator have no problem in enforcing Section 428 which deals with the cultivation and development of at least ten percent of the lease on a yearly basis. I have no problem with that. It is already the law so the motion would just add additional emphasis to the present law.

However, I have a problem and I would like to discuss this a little bit further, when we start dealing with enforcement of laws that deal with navigation, marking and what-have-you. What I am saying is that I would hate to see something put into a regulation that cannot be enforced. Who are we then kidding, ourselves, or what? I



would like to maybe develop that a little bit further, if we can, if we are prepared to do that at this time.

THE CHAIRMAN: I am going to cut off discussion at this time and call for a second on Mr. Riggs' motion. Do I have a second?

MR. LAPEYRE: I will second it.

THE CHAIRMAN: Seconded by Mr. Lapeyre. We are voting on the amendment, gentlemen. All in favor of the amendment say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Hearing none, so ordered.

Now let's vote on the original motion as amended that we go from \$1 to \$2 in 1980, January 1, \$2 an acre. All in favor of that motion say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

See, Slim, you made out better than you





thought you would make out.

MR. TALIANCICH: If you pay your rent now, it is \$1; if you pay it after the first of the year, it is \$2?

THE CHAIRMAN: It is going to be \$2 after the first of the year. It is going to cost \$2 an acre for next year.

SECRETARY ANGELLE: That is what it was about a minute ago but now it is different!

(Laughter)

THE CHAIRMAN: No, it will be \$2 an acre for 1980. There is no provision for 1981. I am sure that whoever is on the Commission at that time will look at it.

SECRETARY ANGELLE: Tally, I think I know what you are talking about. All the bills, gentlemen, have gone out already at \$1. We will now have to rebill you for another \$1, so even though you have already paid at \$1, I checked with the attorney yesterday, we still have the authority to come back and bill you for the other dollar that is now being placed on you at this time, starting January 1, so you will be getting another bill.



MR. MATT FARAC: What about those that have already paid?

SECRETARY ANGELLE: Those that have already been paid, we will send you another bill that you will pay another dollar. That is according to the attorney.

MR. RIGGS: Mr. Angelle, in talking with Mr. Farac yesterday and Mr. Perez, it seems as though we have a tremendous navigational problem in the marking of buoys and what-not. Do you suppose there would be any way -- I know that we don't have the finances for the buoys and all but do you suppose that we should approach some state agency about the possibility of considering the buoys and markings of the navigational channels in the future?

SECRETARY ANGELLE: I think it is a problem that has to be addressed and it is a monumental problem, Mr. Riggs.

THE CHAIRMAN: Will it take legislative action for that, Burt?

SECRETARY ANGELLE: No, I don't think it will take legislative action. It will take legislative appropriation. I am talking about, you know,



maybe half a million, three-quarters of a million dollars if you want to go out there and mark these navigational passages to the degree that it would satisfy your intention.

MR. LAPEYRE: Burt, if I could make this observation, as I understood what Charlie proposes there, what we are simply doing is trying to determine, using the information that we have got, to cease and desist, so to speak, or to remove any existing leases where that becomes possible. The problem of marking and maintaining channels is something else again, but at least in my mind this would be a first step toward taking that kind of action.

SECRETARY ANGELLE: But it doesn't say that in his amendment. Mr. Jean, you know, as an administrator, I want to know what it says so we will know how to proceed from here on.

MR. LAPEYRE: Well, if I can give you my interpretation, my interpretation would be --

SECRETARY ANGELLE: Could we ask what the amendment was?

(Whereupon, the reporter read



the amendment proposed by Mr. Riggs to the original motion by Mr. Wille.)

MR. RIGGS: It is kind of like Jean Lapeyre said, I was just trying to reach a starting point, to consider in the future, attempting to keep all navigational channels open for all interests, all marine interests.

SECRETARY ANGELLE: Let's discuss it a little bit if the Commission has time, or I can discuss with the oyster men themselves, but how many people have leases in navigation channels? Could somebody -- Ron?

MR. DUGAS: I would like to explain something, first of all. You might get in a problem of definition there, "navigational channels." Most of the major navigational channels in our coastal area, and we are referring to MRGO, Mississippi River, the deep water channel and the Barataria Waterway, the Atchafalaya and the Houma Navigational Channel, don't have leases in them. We don't lease those.

There is a numerous amount of little



small bayous that some people may consider navigational channels and they carry an awful lot of navigation in them. The leases are granted with a subservient clause. They are subservient to navigation and maintenance.

So, up to this point in time, most of the major channels, most of the major navigational areas, have been covered. I can appreciate Mr. Perez' point of view. Through an open bay. Those areas, since there is no confining lines or a bayou or anything, it is difficult to say where exactly that channel is, and at that point in time we issue leases through the entire area, and that is probably where his navigation problems are occurring. It would be through those open bays.

Now, somebody is going to have to define which way they want to go and which channel they want to do. There are a lot of those bays already leased up and it would be kind of difficult to in essence look at that leasing problem.

THE CHAIRMAN: As I talked through on this yesterday, I don't know what the answer to it is but I do know we need some solution to the



problem we have got and I recommend we get together and invite each parish concerned to have their top people get with a committee of this Commission to study those problems and let them designate the areas the parish police jury thinks we should have open for navigation in that parish. The governing body of that parish, I think it should be left up to them.

MR. DUGAS: Yes, sir, I think that is the proper approach and I think a lot of these fishermen would like to see a channel because they have leases now in rather precarious places that every once in a while get chopped over.

THE CHAIRMAN: I really think if we had some marked channels it would save a lot of honest oyster fishermen a lot of problems. They go in there with a bunch of tugs or a rig or something, they have got no marked channel, they get hung up here and they drag over there and they drag back here and they drag back there and tear up several acres of oyster beds that never would be tore up if they had a marked channel and if they kept them in the right place.



MR. DUGAS: Right, both sides would know what the problem is.

SECRETARY ANGELLE: What is the present procedure in going through these bodies of water now?

MR. DUGAS: Let's just say you are moving a rig through the middle of Barataria Bay. If you follow the buoy channel, that is fine, but if you are going in a location that is not off that buoy channel, the general procedure is to hire somebody to bring you in there.

SECRETARY ANGELLE: How about an area that is not buoyed?

MR. DUGAS: The general procedure is to hire somebody that knows the area and buys the right-of-way through these areas. A lot of times you pull and, like Mr. Berry says, it is a tugboat game, they might swing off one side, swing off the other side, and on top of reefs.

SECRETARY ANGELLE: There is a wide margin of error.

THE CHAIRMAN: I have often wondered why each police jury along this coastline, and there



are not that many areas affected, wouldn't furnish a man that knows the area, that would have to ride that tug or that rig and let whoever is doing it pay for it. Get a man that knows who could represent the oyster fishermen and represent the parish and let that man ride those tugs or ride that rig and keep them out of those precarious places.

MR. DUGAS: I think one of the leaders in that is Plaquemines Parish. They have just such a person and he rides in and out of there. He is paid by the parish to do just that.

THE CHAIRMAN: In Plaquemines Parish?

MR. DUGAS: Yes, sir.

THE CHAIRMAN: That might be something that you oyster people might want to talk to people in other parishes where you are being run over by these rigs and things and see if the parish won't furnish a person who is very knowledgeable therein who knows where the oyster leases are and see if you can't get the parish to put him on the payroll but in turn let the oil company or whoever it is pay enough fee to have that man on board and in essence will offset his salary. That way that





will protect you, that will protect the man who owns the rig, too. I don't think it is their intention to go in there and tear your oyster beds up. You get a fellow sitting in an office in Houston or New Orleans or New York or wherever he might be and he tells them to move a rig from Point A to Point B and they hire a towing company and a bunch of those guys out there on a tug start pulling time and pretty soon they can't go this direction so they take off in another direction and they get hung up there and they take out in another direction. If in fact we had a man in each parish who know those oyster beds, knew the area and knew where the channels were, it would certainly alleviate a lot of problems, I think.

I think we are all interested in alleviating those problems and protecting the oyster beds.

SECRETARY ANGELLE: Ron, are we notified at any time in the Department that they are coming through with some type of water transportation over some of these oyster beds?

MR. DUGAS: No, sir, not overall. We get those public notices and the only time we really



ask for notification is when they come across a public oyster seed ground. The rest of the time it is up to the lessee or the individual. It is a vast thing there. We have got about seven million acres.

THE CHAIRMAN: Ron, tell me, how does this work in Plaquemines Parish? Does the Parish furnish a man?

MR. DUGAS: Yes, sir, they do. The majority of the time they furnish the person. There is a guy hired to do that. He is the sort of go-between between the parish, the oil company and the oyster fishermen. He reviews the public notices and, just like we get a letter of no objection, the letter of no objection goes to Mr. Perez, goes through his permitting section and the guy is notified that possibly a rig will be moved in here and that some arrangements should be made. This man most of the time rides the tug. If it is not a touchy situation, I suppose he indicates the route and if they have any problem, they call him.

THE CHAIRMAN: Well, basically your



oyster areas are in Plaquemines, Lafourche, Terrebonne and St. Mary. That is really the four parishes you have got especially to worry about.

Perhaps this Commission ought to appoint a committee to talk with the police juries in those other parishes, the three parishes that are left, and see whether they would in fact furnish a man, maybe modelled after what Plaquemines Parish has done, and that might alleviate a bunch of problems we have got now.

MR. DUGAS: It would certainly help.

THE CHAIRMAN: Certainly it would help to save some of the oyster beds. Apparently they are getting kind of weak and we need to conserve them.

MR. DUGAS: It would certainly help, by following their example. There are always problems going to arise but it takes care of an awful lot of them.

THE CHAIRMAN: Gentlemen, how do you on the Commission feel about this, about me appointing a committee to contact the other three police juries and see if they would in fact, maybe somewhat modelled after Plaquemines Parish, try to



NO HIATUS HERE.  
INADVERTENTLY  
OMITTED IN  
NUMBERING.



alleviate some of these problems?

MR. WILLE: Mr. Chairman, just go ahead and do it.

SECRETARY ANGELLE: I think it is a good idea.

MR. RIGGS: Mr. Berry, we in the Parish of Cameron -- it wasn't related to oysters but seismograph operations in the lake and that creates quite a bit of problems to the shrimpers because they would leave pipe sticking out and what-not and gut their shrimp trawls -- passed an ordinance that the various companies putting in for permits for seismograph operations would have to employ a person and pay his wages during the seismograph operations and the designated employee would be appointed to represent the police jury and they would pay his wages and furnish his meals and he would go aboard the boat and protect the lake.

In essence, this could be worked on navigation and moving in and out the rigs, too. I would suggest that we make recommendations to the various parishes involved that maybe they would look into this or the Commission could take some



sort of action.

THE CHAIRMAN: Mr. Riggs, I believe you have had 16 years' experience on the police jury.

MR. RIGGS: Yes, that is true.

THE CHAIRMAN: I would like to appoint you as chairman of the committee made up of Mr. Farrelly -- does anyone else wish to serve on that committee?

MR. FARRELLY: Shouldn't we have a representative of the oyster industry?

THE CHAIRMAN: That would be a good idea. Who in the oyster industry would like to represent them?

MR. WILLE: You are going to put somebody from the oyster industry on?

THE CHAIRMAN: That is what Mr. Farrelly suggested.

MR. WILLE: Put Buddy on that, with them.

THE CHAIRMAN: Buddy, could you serve on that committee?

MR. PAUSINA: What did you say the salary is?

(Laughter)



THE CHAIRMAN: Buddy, it is probably about as much as we are going to get here, probably \$25 a day, and you won't get that, either!

Really, I think that is an approach that we can take to solve some of those problems and if you would serve on that committee, Buddy, I would appreciate it. Mr. Riggs, that committee will be made up of you and Buddy and Mr. Farrelly. Does that suit the Commission?

SECRETARY ANGELLE: You may want to include in there, Mr. Berry, to ask the Corps to maybe furnish someone from the navigation section of the Corps of Engineers to meet with these people.

THE CHAIRMAN: Senator Gilbert, would you also like to serve on that committee?

MR. GILBERT: No.

THE CHAIRMAN: Mr. Lapeyre?

MR. LAPEYRE: That's fine.

THE CHAIRMAN: I will also put Mr. Lapeyre on that committee. I would assume the chairman of that committee has the right to bring on board the Corps of Engineers if it is desirous or necessary to help him with this problem then.



SECRETARY ANGELLE: Well, the Corps being in charge of navigation throughout the state, I think they should be included and ask them to name a member of the committee.

THE CHAIRMAN: Mr. Riggs, I would like for you to contact the Corps, the navigation section, and tell them we would like to have one member from them on this committee. Maybe sometime in January you can report back to the Commission what action has been taken, or at least February.

The next item on the agenda is report on committee meetings by Mr. Gilbert.

MR. GILBERT: Mr. Chairman, at our meeting in September you appointed a committee of three, myself, Jim Farrelly, Charlie Riggs, to study the possibility of increasing the royalty that the Department receives from shell, sand, gravel and fill. At the present time this royalty is ten cents per cubic yard.

We have met three times. We have met with representatives of the shell industry. We have met with our accountant, with our people in





the Department that handle this particular royalty fee. We are thinking in terms of substituting a percentage of value fee rather than the ten cents per cubic yard. The effect of a percentage of value fee would be that as the price of shell, gravel, sand and fill increases, the income to the State of Louisiana would increase. We are checking this. It is a rather complex subject. We have not made a determination as to exactly what we will recommend to the Commission. However, in the next 60-90 days, we will bring a recommendation to the Commission.

Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Gilbert.

We have set December 17 and 18 for the next meeting.

Is there any other business to come before the Commission this morning? Does anyone else wish to be heard? Allen, are you going to talk to us on those Malaysian shrimp? It was interesting yesterday.

MR. ALLEN ENSMINGER: I didn't plan to talk about the shrimp. I thought I would talk



about something a little bit more important, some money.

THE CHAIRMAN: Well, I tell you, we could talk about both of them. That was pretty interesting yesterday.

MR. ENSMINGER: I think the shrimp thing is something certainly that the oyster people here, being in the culture business, would be very interested in.

We do have an experimental project going at Rockefeller to raise freshwater shrimp in ponds. We have been cooperating with the LSU fishery unit and the fishery people over at Southern University on raising these Malaysian freshwater shrimp in ponds, and it has been very rewarding to us. We have had excellent growth rates and survival rates in the ponds at Rockefeller.

This month's magazine, the conservation issue, will have a good article in it on the process of culture and the results of our research work at Rockefeller, so certainly I think that some of the oyster and shrimp people should look into this thing. They demand an excellent price



in the market and they are very hardy animals. You can handle them fairly easily without getting high mortality in the juvenile and in the adult shrimp themselves, so certainly it is an industry that should be looked into. Several large companies, Coca-Cola and International Paper Company in Florida, are doing some work on culturing of the spawning of these shrimp and the rearing of juvenile shrimp and making them available to people who are interested in getting into that particular industry.

The other item I had for you gentlemen's information today, as you will recall, a few months ago the mineral committee of our Department, and I am not sure, possibly the whole board, sat in on a meeting here with the liaison committee of the Mineral Board to discuss the possibility of offering for lease various tracts of land on our Russell Sage Wildlife Management Area in Morehouse Parish.

This is property that was purchased by the Department back in 1960 from Ouachita Farms and the original purchase involved about 14.5 thousand acres of land just east of Monroe, down



in the Lafourche River swamp bottom. We paid \$29 an acre, which came out to about \$440,000, for the entire tract of land.

Shortly after the Department purchased the property, Ouachita Farms Corporation dissolved. They took their money, divided it up among the stockholders and disappeared. Within about five or six years some mineral problems started to crop up of additional mineral activity on the surface of that land out there. The Department had not made any mineral reservations in the act of sale by which we obtained that property. So, consequently, our game division personnel who are managing the area began to question the rights of people to cut new rights-of-way and drill new oil wells on the surface of the game management area.

As a result of that conflict that developed, Dr. Lee, who was at that time, Tom Lee, chairman of the State Mineral Board, had retired and of course had tremendous experience at the law school at LSU, and the Mineral Board obtained his services on a contract basis to review our ownership as it related to the mineral ownership of the property



there at Ouachita Farms.

He prepared a 43-page brief that didn't settle anything and finally at the conclusion of the thing recommended that in his considered opinion we owned at least half of the minerals and maybe all of them, and that he recommended to us that we go ahead and put some of the property up for sale and smoke out whoever might be, if there was in fact anybody that owned the minerals, the remaining minerals on the area, either through holding it by production or what-have-you.

This area up there is in a very unique area from the mineral industry standpoint. It is in what is known in the mineral industry as the Monroe gas field. The Department of Conservation back in the early 1930s decided that the formations were so splintered and fractured and confused in there that units were not practical, feasible or legally sounds to organize units.

Consequently, some of these large tracts of lands that were held by production in other parts of the state didn't apply in this general area there and many private landowners as well as



our Department now owned very small 40 or 12 or 13-acre mineral leases just surrounding particular wells.

So, with the recommendations of Dr. Lee and Mr. Bonnacarrere, the Department did go ahead as I mentioned at you all's meeting and request that various tracts be offered for sale. Three tracts were bid on. One of the tracts was bid on by Justiss-Mear, who is one of the mineral producers on Russell Sage. He bid \$17 an acre for whatever interest the state might have of the minerals. On two adjoining tracts, Pennzoil Producing Company bid \$62 an acre with no reservation or provision in their bid clause.

These were accepted by the Mineral Board. In their executive session they decided to accept the two tracts that Pennzoil bid on, to reject the Justiss-Mear tract for insufficient consideration, and the two Pennzoil tracts brought a total of \$201,000, almost half of the original purchase price of the game management area back in 1960. So, we have leased out two tracts. Legally we don't know where we stand with regard to the



future. If, in fact, someone does have a legitimate claim to some of the minerals, I am sure they will come forth and demand some portion of the bonus that was offered and a portion of the royalty production if Pennzoil ever goes into production, but at least we feel confident that we will bring the thing to a head and settle once and for all any question as to whether there is an adverse ownership on the minerals that may have prescribed to us or did not prescribe to the Department. Certainly we feel like this is an appropriate step forward in settling our ownership on Russell Sage.

Just for your information, to show you how wise we were in buying that land, I guess we should have bought the whole state of Louisiana back in the 1960s, in 1975 some additional land came up there in the general area, over in Richland Parish, and the Department purchased it for \$290 an acre; 2,400 acres came to \$713,000. So, certainly the Department made some excellent purchases in the early 1960s and I am sure if we could buy land at almost any price today, in the future it would be much more valuable than prices



we are paying, and certainly from the recreational standpoint.

THE CHAIRMAN: Inflation has made us the winner in that case.

MR. ENSMINGER: That's right. As an additional little point of interest, we had one small tract of land on Pass a Loutre that adjoined a very active lease. It was 59 acres, that was all that was involved in the thing, but McAlester Fuel Company, who has a producing well on the adjoining tract, paid us \$5,500 an acre for that for a total of \$330,000. So, the conservation fund does have about a half million dollars more this week than we had last week. Maybe we can get a few more and maybe get a little production on that 59 acres.

THE CHAIRMAN: I remember when that land was \$1 an acre, but I will tell you this, I didn't have a dollar to buy it.

MR. ENSMINGER: That's right.

SECRETARY ANGELLE: Advise them that this money has to be appropriated by the legislature when they are in session next spring and the money is not available to be spent until starting July 1.





MR. ENSMINGER: Right. This money, as Burt says, will go into the conservation fund as accounts receivable and will be available for appropriation back to the Department out of the conservation fund as we submit our annual budget. It will be plugged into this year's anticipated revenue as we present that to the Division of Administration in late February.

THE CHAIRMAN: That is a good step in the right direction, Allen. Thank you very much.

Does anyone else wish to be heard this morning? Any other business to come before the Commission? I appreciate your patience and I will entertain a motion for adjournment. Just a minute, I have one man over here. Come on up here, Slim. I didn't believe that he could be caught without words.

MR. LEOPOLD TALIANCICH: Gentlemen, and Mr. Chairman, I would like to ask you one question. On this ten percent that the law requires or don't require, whatever it is --

THE CHAIRMAN: It does require it.

MR. TALIANCICH: All my life I have



bedded at least ten percent of my bedding ground, maybe more when they had seed oysters, and I developed my bedding ground where I have already bedded ten percent. What am I going to do there?

MR. RIGGS: Ten percent per year and in ten years you would have the total acreage planted.

MR. TALIANCICH: And being compulsory to bed this, I would like to know what protection we are going to get from the oil companies. We haven't got none in the past.

THE CHAIRMAN: We are not in the protection business. We are in the business of leasing lands for oyster fishermen, but we will try to help you with it.

MR. TALIANCICH: Well, you are sure protecting the oil companies. Thank you, gentlemen.

THE CHAIRMAN: I don't know how they are being protected. I am not protecting them.

MR. TALIANCICH: I can show you a letter right here.

THE CHAIRMAN: You don't have a letter where I protected them, I can tell you that.

MR. TALIANCICH: This is by some of



50  
your staff that is more interested in the oil fields than the oysters. (Hands letter to Chairman.) You see, I had 20 acres in Redfish Bay and personally I don't feel like letting the thing go.

THE CHAIRMAN: Allen. Is Mr. Ensminger still here? Allen, would you take this and answer this, please. I am not familiar with it.

MR. TALIANCICH: There is no mention in there about --

MR. ENSMINGER: Mr. Chairman, I suspect that Lep has mentioned to you what has come up here on this area.

THE CHAIRMAN: Let me get the record straight. He just told me a while ago we were interested in protecting the oil companies and not the oyster fishermen. I don't know what he has reference to but then he brought that out and that is where it stands now.

MR. ENSMINGER: Well, what has happened, at Pass a Loutre, as you all are aware, the delta is a very shifting, changing edaphic condition and in certain years is conducive to producing some oysters. When we have a low river flow with salt



water in the Gulf backing up into the delta things it does encourage some oyster production.

Normally these small oyster-producing areas are located right at the very fringes of those existing passes that run out into the Gulf of Mexico and over the years we have had probably two or three old leases that were let out back in the 1920s or '30s that have been picked up with rentals as time goes along. I think Lep has one or two leases down at the end of Redfish Bay out in the edge of the Gulf.

What had come up a few months ago or a year and a half ago, some oysters were discovered down on the outer edge of Blind Bay, which goes out into the edge of the Gulf of Mexico. A large general plat location of that area was submitted to the Department by a Mr. Petrovich and the individual in the Department that accepted the application -- and we went back through the files and tried to reconstruct what had occurred -- the plat came into us almost at noon on a particular day and the individual who had accepted the application was a summer employee and did not recognize at the



time that it was within the confines of the Pass a Loutre waterfowl management area.

It went into the application files as a normal procedure in the oyster division and laid there waiting for a survey to be made. After the Department passed a resolution permitting oyster fishermen to to have private surveys made of their applications that were pending and then come back with a certified survey of the actual lease area, Mr. Petrovich went and employed a private surveyor, Mr. McCurdy, to go down and survey that one.

If it had been surveyed by an employee of the Department, I am sure he would have immediately recognized the location of the thing and said, well, this is inside one of the game management areas, but it didn't turn out that way. He surveyed it, located the acreage -- there is about three or four hundred acres, as I recall -- in the lease, came back with the certified survey and it went right through the oyster division and the lease was awarded to Mr. Petrovich.

The first inkling that I had of an oyster lease coming within the confines of Pass a Loutre



was when the local people down there began to talk in terms of going out there and starting to harvest oysters. Of course, my reaction was you can't go harvest oysters on Pass a Loutre in the waterfowl management area.

We got to digging into things and found in fact a mistake had been made by the Department. Certainly no one is to blame for it. It was just an absolute mistake on our part in awarding the lease there without a little more careful looking into the thing and either establishing it as a public open area or what-have-you.

In talking with our attorney, we are bound by the contract that we signed and if we would have in fact cancelled the lease, we would have been liable for a damage suit to be filed. So, we did go ahead, of course, and honor the lease. It is one of those unfortunate things. There may be some other oysters in the area. What we intend to do is to survey with the oyster division's assistance and look and see if there is in fact some available oysters in other parts of Blind Bay, Redfish Bay and North Shore Bay that are outside



of the Petrovich lease and outside of the Taliancich leases that would be available for the oyster industry. If they are there, they may as well be harvested and utilized in the industry because they will just be covered by silt and killed at the next real high river stage like we had back in 1973 or '75.

I think Lep will bear this out on his leases. The leases produce only for a year or two and then he will get a slug of silt and then when it purges itself it will produce again.

THE CHAIRMAN: Well, he inferred to me that the Department was protecting the oil companies by what you were doing, in this memorandum he has got there. I want him to explain why he thinks we are protecting them.

MR. ENSMINGER: Of course, what the situation is at Pass a Loutre is obvious. We have these large embayments that are within the confines of Pass a Loutre. Those water bottom areas are state-owned lands that are sold by the State Mineral Board for mineral leases. Certainly there is no particular protection given to an oil company.



They buy a mineral lease from the State of Louisiana and certainly they have the right to go in there and produce the minerals that they have purchased out of that thing. We don't give any oil company any more protection than we do an oyster fisherman. Now, we did make the mistake and award those --

THE CHAIRMAN: That was the inference he made a while ago and I wanted to clear it up.

MR. ENSMINGER: Well, we made a mistake in awarding an oyster lease that I personally would not have recommended to the Board. Now they might have gone ahead and given the man an oyster lease, anyway, but I would not have recommended that the lease be awarded to Mr. Petrovich because it is in an area which does produce some good waterfowl aquatic weed growth and I think that oyster dredging in that particular area might be detrimental to the waterfowl population.

But, as I say, it was an honest mistake and I think it is one that we will live with and 15 years from now when the Commission comes up to renew this, I think the Board at that time should





have a red flag on that lease to determine at that time that they want to renew it or not.

THE CHAIRMAN: Thank you, Mr. Allen. Lep, does that answer your question?

MR. TALIANCICH: That answers some of them but my objection is the trawlers trawling the bay, the oil companies dig it up if they feel like, and we can't have a lease, and if you are going to refuse a fisherman a lease where the oil company has got a lease, there is no way in the State of Louisiana where we will be able to get a lease no more.

THE CHAIRMAN: I don't think that is quite true, Mr. Lep. I think we have got some 240-odd-thousand acres under lease now to oyster fishermen and that has doubled in, what, the last ten years or less. I think it is some 246,000 acres and --

MR. DUGAS: 234,000.

THE CHAIRMAN: 234,000 acres under lease now to oyster fishermen and that figure has doubled in the last ten years, so I don't think you are being cut out of places to grow oysters.



MR. TALIANCICH: No, but the way this thing was written --

THE CHAIRMAN: I don't think you understood what he said about the way it was written. I think Mr. Ensminger did a good job in explaining to you what the problem was there, that that lease shouldn't have been issued in the first place, but it was issued and we are going to honor it for 15 years.

MR. TALIANCICH: Because, like I say, my own place in Redfish Bay, I didn't even realize I was paying for it. It ain't even worth a dollar to me no more. If that was going to be the conditions, whether an oil company was in the area or not, I would pay the lease just to be paying it.

Thank you, anyhow, gentlemen.

THE CHAIRMAN: Thank you.

Is there any other business to come before the Commission this morning?

I would like a motion for adjournment.

MR. LAPEYRE: So move.

MR. FARRELLY: Second.

THE CHAIRMAN: We have a motion and a



second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered. Thank you.

(Whereupon, at 11:05 o'clock  
a.m., Tuesday, November 20,  
1979, the meeting was adjourned.)

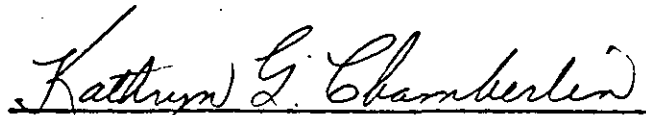
Kathryn G. Chamberlin,  
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing ( 58 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 10th day of December, 1979.

  
Kathryn G. Chamberlin,  
Reporter.

